



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

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December 23, 2003

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68 FR 67492

(2)

Mr. Michael T. Lesar, Chief
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop T-6D59
Washington, D.C. 20555-0001

Dear Mr. Lesar:

NUCLEAR REGULATORY COMMISSION (NRC) - COMMENTS ON IMPLEMENTATION OF
A PILOT PROGRAM ON THE USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)
IN THE ENFORCEMENT PROGRAM (68 FEDERAL REGISTER 67492, DATED
DECEMBER 2, 2003)

TVA appreciates the opportunity to submit comments for NRC's consideration as it develops an ADR pilot program for use in cases involving discrimination or other wrongdoing. TVA also supports the comments made by the Nuclear Energy Institute by letter dated December 19, 2003, regarding the pilot ADR program.

TVA has previously provided comments on the benefits of an ADR pilot program at a public meeting held by NRC in New Orleans, Louisiana, on October 10, 2002. TVA continues to believe that ADR can minimize the time to obtain a resolution; be less adversarial than the current processes; promote greater communication and, in turn, greater cooperation among the parties; minimize the need for a large commitment of staff and resources; and lead to timelier and better corrective action if such action is warranted. TVA also believes that ADR does not affect NRC's ongoing obligation to ensure that the underlying safety issue has been or will be addressed. Agency review of the agreed upon resolution will also ensure that it does not contain terms that would violate NRC requirements.

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TVA urges the NRC to institute an ADR pilot program in a timely manner so that the benefits of the ADR process may soon be realized. We recognize that while all questions and potential problems may not be fully addressed in the planning phase, the very nature of a pilot program is to gain experience and evolve to a better program by continuing to receive constructive input from those involved. We believe that the ADR process will improve and receive even greater overall support once the process is implemented and its successes are realized.

If you have questions, please contact me at (423) 751-2508.

Sincerely,



Mark J. Burzynski
Manager
Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001